



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda.

5:00 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda
- Meeting will recess until 6:00 p.m.

6:00 p.m. session

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. www.cityoftucson.org/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.cityoftucson.org. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Fred Ronstadt – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Kathleen Dunbar **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Fred Ronstadt **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: www.cityoftucson.org/agdocs), 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:
Tuesdays – 9:00 p.m. Wednesdays – 9:00 a.m. Sundays – 9:00 a.m.
VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

**MONDAY, MARCH 1, 2004 – 5:00 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor John W. Miller, Northwest Bible Church

PLEDGE OF ALLEGIANCE – The Pledge will be led by Alexis Luceford, the Poppy Princess of the Casas Adobes American Legion Auxilliary

PRESENTATIONS

- (a) Proclamation – Proclaiming March 2004 to be “Red Cross Month”
- (b) Presentation to the Sun Tran “Distinguished Employee Team of 2003”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager MAR1-04-95 CITY-WIDE

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager MAR1-04-96 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager MAR1-04-97 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1) COUNTRY FOLKS RESTAURANT 1015 E. Benson Hwy. Applicant: Mario Hinojosa City #007-04, located in Ward 5 Series #12 Action must be taken by: March 19, 2004	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

(c) Special Event(s)

(1) ARIZONA HISTORICAL SOCIETY- SAD-DOCENT COUNCIL 949 E. 2 nd Street Applicant: Armand M. Ronstadt City #T007-04, located in Ward 6 Date of Event: March 16, 2004 (Raise funds for Docent Council-Education Dept.)	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance
(2) SALPOINTE CATHOLIC HIGH SCHOOL 1545 E. Copper Street Applicant: Margaret L. Gessner City #T009-04, located in Ward 3 Date of Event: April 17, 2004 (Distinguished Alumni Hall of Fame Induction Banquet)	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance

PUBLIC OPINION: PROTESTS FILED

- (3) SONORAN INSTITUTE Staff Recommendation
140 N. Main Avenue
Applicant: Donald L. Chatfield Police: In Compliance
City #T012-04, located in Ward 1 DSD: In Compliance
Date of Event: March 12, 2004
(Awards Dinner-Building from the Best of Tucson)

PUBLIC OPINION: SUPPORT FILED

- (4) TUCSON MUSEUM OF ART Staff Recommendation
140 N. Main Avenue
Applicant: Charlie E. Bodden Police: In Compliance
City #T014-04, located in Ward 1 DSD: In Compliance
Date of Event: March 13, 2004
(Fundraiser)

PUBLIC OPINION: SUPPORT FILED

- (5) TUCSON SYMPHONY SOCIETY Staff Recommendation
179 E. Toole Avenue
Applicant: Susan M. DeBenedette Police: In Compliance
City #T020-04, located in Ward 6 DSD: DENIED
Date of Event: March 12, 2004
(Fundraising)
- (6) COMITE DE FESTIVIDADES MEXICANAS Staff Recommendation
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero Police: In Compliance
City #T024-04, located in Ward 1 DSD: In Compliance
Date of Event: March 14, 2004 Parks & Rec.: In Compliance
(To Celebrate Mexican Culture)
- (7) TUCSON PARKS FOUNDATION Staff Recommendation
600 S. Alvernon Way, Randolph Golf Course
Applicant: Tommy L. Roof Police: In Compliance
City #T028-04, located in Ward 6 DSD: In Compliance
Date of Event: March 7, 2004 Parks & Rec.: In Compliance
March 8, 2004
March 9, 2004
March 10, 2004
March 11, 2004
March 12, 2004
March 13, 2004
March 14, 2004
(LPGA Golf Tournament - Fundraiser)

6. CONSENT AGENDA ITEMS A THROUGH C

A. IMPROVEMENT DISTRICTS: INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY FOR LIGHTING IMPROVEMENTS AT CAMPBELL AVENUE FROM RIVER ROAD TO ROGER ROAD

- (1) Report from City Manager MAR1-04-92 W3
- (2) Resolution No. 19784 relating to improvement districts; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Campbell Avenue – River Road to Roger Road lighting improvement; and declaring an emergency.

B. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION FOR ACQUISITION OF PROPERTY FOR THE JULIAN WASH CULTURAL RESOURCE PARK (CONTINUED FROM THE MEETING OF JANUARY 26, 2004)

- (1) Report from City Manager MAR1-04-102 W1
- (2) Resolution No. 19758 relating to transportation; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona for the Julian Wash Project; and declaring an emergency.

C. AGREEMENTS: LEASE AGREEMENT WITH TUCSON WI-FI ALLIANCE FOR ANTENNAE ON ROOFTOP OF TCC MUSIC HALL

- (1) Report from City Manager MAR1-04-103 W6

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

RECESS

MEETING WILL RECONVENE AT 6:00 P.M.

RECONVENE (6:00 P.M.)

ROLL CALL

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

8. ZONING: (C9-03-23) LOWE'S – KOLB ROAD, C-1 TO C-2, CITY MANAGER'S REPORT

- (a) Report from City Manager MAR1-04-93 W2
- (b) Report from Zoning Examiner dated February 13, 2004
- (c) Request to rezone approximately 12.71 acres from C-1 (Low-intensity Commercial) to C-2 (General Commercial) zoning. Applicant: Thomas Sayler-Brown of Sayler-Brown Bolduc Architects on behalf of the property owner, Sunrise Speedway, LLC.

The rezoning site is located on the northwest corner of Speedway Boulevard and Kolb Road. The preliminary development plan is for a 163,358 square foot large retail establishment and 13,525 square feet of retail and restaurant uses.

Planning Considerations: The requested C-2 zoning is required for outdoor display and storage of merchandise associated with the proposed large retail establishment. The three pads on the rezoning site do not need C-2 zoning for the proposed retail/restaurant uses. If the pads are rezoned to C-2, more intensive uses than those permitted under C-1 zoning could occupy the pads in the future.

The Zoning Examiner recommends C-2 zoning only for the proposed large retail establishment. The City Manager recommends approval of the C-2 zoning for the area of the large retail establishment only, subject to the following conditions:

1. A development plan, covering the entire rezoning site, in substantial compliance with the preliminary development plan dated January 12, 2004, (including building location, loading zone and dumpster location, and riverpark design) and the other supporting materials submitted with the rezoning request, and the following conditions, is to be submitted and approved in accordance with Section 5.3.8 of the *LUC*. The development plan shall depict the location of the C-1/C-2 rezoning line around the large retail establishment.
2. The owner/developer shall hold a meeting or meetings to offer the surrounding homeowner's association within one mile of the site a review of the proposed development plan, and disclosure of potential unconventional construction practices, such as the use of helicopters for the placement of roof-mounted mechanical equipment, no less than 30 days prior to the CDRC submittal. Documentation of the meeting(s), including invitations, sign-in sheets and minutes shall be provided with the CDRC submittal.
3. Closure of any existing curb cuts that will not be used for vehicular access.
4. Access to the development shall be in accordance with Transportation Access Management Guidelines adopted March 2003.
5. A pedestrian system with sidewalks at least eight (8) feet wide and unobstructed shall connect the public street sidewalks, the main entrances to the large retail establishment, the other buildings on the site, any transit stops adjacent to the site, and adjacent residential neighborhoods. The pedestrian system should include an adjacent minimum three (3) foot wide landscape area to provide a microclimate of canopy trees that shade the walkways. Landscape enhancements should be provided where there are no canopy trees.
6. An eight (8) foot wide sidewalk shall be provided along the full length of any building where it adjoins a parking lot.
7. All pedestrian systems that cross a parking area access lane (PAAL) shall be distinguished from vehicular areas by material such as brick, concrete pavers, scored patterned color concrete, or a raised or textured surface.
8. The pedestrian system shall include a microclimate of canopy trees that provide shaded walkways, and landscape enhancements shall be provided where no canopy trees are planted. A minimum of five pedestrian seating areas throughout the proposed building site shall be provided excluding those seating areas along the proposed river park.

9. Rear and side building façades shall be designed with attention to architectural character and detail comparable to the front façade. Consistent design treatment, including but not limited to comparable color palette, signs, lighting, screen walls, rooflines, and materials.
10. The owner/developer of the property shall provide a corridor a minimum of 45 feet in width for the entire length of the property along the Pantano Wash. Parcels 10A, 10B, 13 and 14 shall be included along with parcels 7, 8, 9, 11, and 12 in the development are for the purpose of River Park corridor dedication and development.
11. The owner/developer of the property shall construct a segment of the Pantano River Park for the length of the project's frontage along the Pantano Wash to City/County River park specifications.
12. The owner/developer shall provide a dedicated public access point (a trailhead staging area with parking and a pedestrian plaza) to the segment of the Pantano River Park to be constructed as part of the subject development.
13. The public address system shall be oriented away from adjacent residential areas and turned off after operating hours.
14. All loading and parking is to be located on site.
15. Delivery and loading hours shall be 8 a.m. to 10 p.m. Delivery vehicles shall not park outside of the designated loading areas. Delivery vehicles shall not run motors, refrigerator units, or generators during non-delivery hours.
16. Forklifts shall not be operated outside during non-delivery hours except within the garden center.
17. Permanent outdoor sales/display and storage areas shall be limited to inside the garden center and shall not exceed the height of the walls/screening of the garden center.
18. Outdoor storage within product staging/temporary storage areas and pallet storage area shall not exceed the height of the adjacent walls.
19. No trash removal between 4:00 p.m. and 9:00 a.m.
20. The trash facilities and loading docks shall not be visible from public streets and sidewalks, internal pedestrian walkways, the Pantano River Park or surrounding residential properties.

21. All outdoor lighting, pole or wall mounted, shall be directed down and away from residential parcels and public roadways and shall be no higher than 30 feet measured to the light source. A photometric plan shall be submitted with the development plan that demonstrates spillover light is no greater than shown on the photometric plan submitted with the special exception request.
22. Between the hours of 10 p.m. and 7 a.m., outdoor lighting shall be low-pressure sodium. During hours when the large retail establishment is not open for business and employees other than security personnel have left the premises, subject to review by the Tucson Police Department, outdoor lighting shall be dimmed to no greater than required for security purposes.
23. Signage shall be integrated into the overall design of the project. Sign detail shall be submitted as part of the development plan review.
24. Water harvesting techniques shall be utilized by directing roof and parking area runoff to landscape areas prior to releasing it to City drainage systems or streets.
25. The landscape borders along the east boundary of the site must include the use of canopy trees, planted every 20 to 30 feet and averaging not less than one every 25 feet. Trees in this border shall be a species that will grow to a height of 30 feet in five years.
26. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as: the use of two or more decorative materials like stucco, tile, stone, or brick; visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, setback, etc.), and/or trees and shrubbery in voids created by wall variations. A wall detail demonstrating compliance with this condition is to be included in the development plan to be reviewed.
27. All ground-mounted equipment shall be screened by a masonry wall, wrought iron fence with 70 percent opaque decorative chain link screening and or 70 percent opaque screening fabric, or by appropriate landscaping. All roof-mounted equipment shall be screened by the building parapet.
28. Chain link fencing, except for decorative chain link screening, is not permitted except for the seasonal outdoor sales/display area.

29. Implement controls to prevent the contamination of stormwater runoff from trash, open material storage, spills, applications of pesticides, fertilizers, soil amendments and/or other chemicals. Engineering plans shall reflect structural controls. Management controls shall be described in an operational Stormwater Pollution Prevention Plan. These plans will be reviewed and approved by Development Services Department as part of the development review process.
30. “Safe by Design” concepts are to be incorporated in the development plan, and must be reviewed by the Tucson Police Department.
31. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S 41-865.
32. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the public.
33. The west-most vehicular access points on Speedway Boulevard shall be designed for right turn in/right turn out movements only.
34. Seasonal outdoor sales/display shall be limited to the sidewalk area and within the parking lot west of the large retail establishment building and shall be shown on the development plan dated January 8, 2004.
35. Architectural treatments along 60 percent of the front of the building shall incorporate windows, arcades, awnings, etc.
36. Landscaping shall be provided along the sidewalk adjacent to the southwest façade.
37. The spandrel glass shall be omitted along the northeast façade.
38. Provide windows in each door or as a sidelight to each door on the northeast façade.
39. Wrought iron fencing shall be provided around all outdoor enclosures.

40. Signage shall be provided as shown on the colored elevation submitted to the Design Review Board on December 12, 2003 (DRB-03-26).
41. Color names and numbers shall include those listed on the colored elevations submitted to the Design Review Board on December 12, 2003 (DRB-03-26).
42. The landscaping provided adjacent to the River Park shall be increased to screen the flatbed truck loading area.
43. A category II Traffic Impact Analysis shall be performed for the subject site as defined in the Access Management Guidelines.
44. All access points shall have a minimum curb return radius of 25 feet.
45. The developer shall install a right turn deceleration lane on Speedway Boulevard at the main entrance to the site with a minimum of 100 foot stacking queue and 120 foot transition.
46. Any relocation of access points to the site shall have a corresponding modification to existing medians to ensure that the access point and median are appropriately aligned.
47. The southern access point to the site from Kolb Road shall have a trap right deceleration lane/bus pullout to accommodate a future bus stop.
48. The developer shall modify the existing median on Speedway Boulevard to increase the stacking queue for the existing southbound dual left turn lanes an additional 100 feet.
49. Maximum building height of Pad 2 shall be 25 feet.
50. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Five (5) written approvals and one (1) written protest have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

9. ZONING: (SE-03-30) NEXTEL – BENSON HIGHWAY, C-2 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT

- (a) Report from City Manager MAR1-04-94 W5
- (b) Report from Zoning Examiner dated February 13, 2004
- (c) This is a Special Exception Land Use request to allow a communications use. Applicant: Michael Elias of Tetra Tech, on behalf of the property owners, Antonio and Isabel Apodaca, and American Tower Corporation.

The preliminary development plan proposes six cellular communications antenna panels collocated at the 90-foot level of an existing 156-foot tall monopole on a .77 acre site. Equipment cabinets will be located at the base of the pole.

The site is located on the north side of Benson Highway between Arlington Road and Treat Avenue.

The Zoning Examiner recommends approval of the special exception land use request. The City Manager recommends authorization of the special exception land use request subject to the following conditions:

- 1. The antennas and related equipment shall be painted an earth tone color that minimizes visibility and blends with the existing monopole and structures on the site.
- 2. Trees shall be planted on the north side of the existing and proposed equipment cabinet.
- 3. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the public.
- 4. A building permit shall be obtained within one (1) year of the granting of the special exception.

Zero (0) written approvals and zero (0) written protests have been received.

A simple majority vote will be necessary to approve the special exception land use.

10. ZONING: (C9-02-03) KB HOME – WALNUT AVENUE, SR TO R-1 ZONING, ORDINANCE ADOPTION

- (a) Report from City Manager MAR1-04-101 W2
- (b) Ordinance No. 9938 relating to zoning: amending the zoning district boundaries in the area located west of the Walnut Avenue alignment approximately 600 feet north of Fort Lowell Road and 750 feet east of Alvernon Way in case C9-02-03, KB Homes – Walnut Avenue, SR to R-1; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance presented.

11. ZONING: PROPOSED AMENDMENT TO THE *RINCON SOUTHEAST SUBREGIONAL PLAN* TO ALLOW RESIDENTIAL USE ON VACANT LAND (CONTINUED FROM MEETING OF JANUARY 12, 2004)

- (a) Report from City Manager MAR1-04-99 W5
- (b) This is a request to amend the *Rincon Southeast Subregional Plan* to allow residential uses on a vacant 65-acre site located south of Interstate Highway 10 (I-10), west of Wilmot Road, north of Rodeo Wash, and east of the Los Reales Regional Landfill. The Mayor and Council held a Public Hearing on this matter on August 4, 2003.

Applicant: The Planning Center on behalf of Myers Communities.

The Planning Commission voted 12-0 to forward this item to the Mayor and Council with a recommendation to adopt the proposed amendment with some modifications.

The City Manager recommends that Mayor and Council deny this amendment request. The applicant is requesting to change the land use intensity from Urban Industrial (I) to Multifunctional Corridor (MFC), to allow higher-density residential use on the amendment site. The MFC designation also allows office, commercial, and park industrial uses. Denying this request would have the effect of maintaining the currently allowed uses, commercial and industrial, on the site. Low-density residential use is also allowed, according to the existing zoning (2 residences per acre). Staff's position is that commercial and industrial uses continue to be the most appropriate uses for this site due to proximity to the Los Reales landfill, the planned borrow pit area, and I-10.

12. PARKS AND RECREATION AND REAL PROPERTY: SALE OF CITY PROPERTY LOCATED ON SILVERBELL ROAD ADJACENT TO SILVERBELL GOLF COURSE TO ESTES DEVELOPMENT CO. LLC. (CONTINUED FROM MEETING OF FEBRUARY 23, 2004)

- (a) Report from City Manager MAR1-04-100 W1
- (b) Ordinance No. 9937 relating to real property; rescinding Ordinance No. 9815 of the Mayor and Council of the City of Tucson; vacating and declaring certain City-owned real property in the vicinity of Silverbell Road and the Silverbell Golf Course to be surplus; authorizing the sale thereof to Estes Development Co., LLC.; and declaring an emergency.

13. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager MAR1-04-98 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, March 15, 2004, at 5:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.